

1642

Docket No.: PC-0027 US

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By:

Printed:

Katherine Storer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of: Yue et al.

Title:

INTELECTIN

Serial No.: 09/771,503

Filing Date: January 26, 2001

Examiner: Canella, K.

Group Art Unit: 1642

Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

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AMENDMENT TRANSMITTAL FEE SHEET

Sir:

Transmitted herewith are the following for the above-identified application:

1. Return postcard;
2. Amendment Transmittal Fee (1 pg., in duplicate); and
3. Response to Restriction Requirement (2 pp.).

The fee has been calculated as shown below.

Claims	Claims After Amendment	-	Claims Previously Paid For	=	Present Extra	Other Than Small Entity Rate Fee	Additional Fee(s)
Total Claims	21	-	20	=		\$18	\$ 0
Indep. Claims	4	-	3	=		\$84	\$ 0
___ First Presentation of Multiple Dependent Claim						+\$280	\$ 0

TOTAL \$ 0

- ☒ No additional fee is required.
- ___ Fee for Request for Extension of Time (___ months) \$ ___
- ___ Please charge Deposit Account No. 09-0108 the amount of \$ ___

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17, or credit overpayment to Deposit Account No. 09-0108. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: November 28, 2001

David G. Streeter, Ph.D.

Reg. No. 43,168

Direct Dial Telephone: (650) 845-5741

3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555
Fax: (650) 849-8886

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By: _____
Related: _____

Katherine Stofer

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RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

Sir:

This is in response to the Restriction Requirement mailed October 31, 2001 (Paper Number 7) in the above-referenced application.

Claims 1-21 were originally filed. In the Restriction Requirement, the Examiner requested Applicants to elect the claims corresponding to one of the following inventions:

Group I (claims 1-7) drawn to an isolated cDNA of SEQ ID NO:2, fragments, compositions, vectors and host cells.

Group II (claims 8-13) drawn to a method of using a cDNA to detect expression of a nucleic acid, and a method of using a cDNA to detect a plurality of molecules.

Group III (claims 12-13 and 16-17) drawn to a method of using a cDNA to detect expression of a plurality of molecules, and a method of using a protein to screen for a plurality of molecules.

Group IV (claims 16-18) claims 16-18) drawn to a method of using a protein to isolate antibodies and to screen for a plurality of molecules.

Group V (claim 19) drawn to an antibody.

Group VI (claims 16, 17 20 and 21) drawn to a method of using an antibody to diagnose conditions or diseases, and a method of using a protein to screen for a plurality of molecules.

Group VII (claims 14 and 15) drawn to purified proteins and compositions comprising SEQ ID NO:1.

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In response to the restriction requirement, Applicants elect the claims of Group I (claims 1-7) with traverse. Applicants submit that the invention encompassed by the claims of Group I (drawn to polynucleotides, compositions thereof, a vector, a host cell) could be examined at the same time as the inventions encompassed by the claims of Groups II (claims 8-13 and 16-17). Applicants submit that claims 8-13 are methods of use of the polynucleotides of claim 1 that depend from and are of the same scope of claim 1 that present a coherent group with the composition of matter of claim 1 and would therefore not present an additional undue burden of search together with the claims of Group I. In addition, to the extent that claims 16 and 17 read on the detection of a polynucleotide-protein complex, examination of these claims as well would not constitute an undue additional burden of search.

Accordingly, because the searches required to identify prior art relevant to the claims of Groups I and II and would substantially overlap, Applicants respectfully submit that examination of originally filed claims 1-13, 16 and 17 would pose no undue burden. Thus, Applicants request reconsideration and withdrawal of the Restriction Requirement and examination of the claims in Groups I and II

In the event that the Examiner determines that the Restriction Requirement should be maintained, Applicants reserve the right to prosecute the non-elected claims in subsequent divisional applications.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 09-0108.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date:

November 28, 2001

David G. Streeter

David G. Streeter, Ph.D.

Reg. No. 43,168

Direct Dial Telephone: (650) 845-5741

3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555
Fax: (650) 845-4166